

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-125712-001 DT

11/06/2017

HONORABLE DOUGLAS GERLACH

CLERK OF THE COURT
M. Mogel
Deputy

STATE OF ARIZONA

RICHARD E SERDEN
STANLEY J MARKS

v.

JEOPREY MUTINDA KAVU (001)

DIEGO RODRIGUEZ
MICHAEL S REEVES

PRETRIAL SERVICES AGENCY-CCC

TRIAL MINUTE ENTRY
DAY THREE

Prior to commencement of today's proceeding, State's exhibits 62-92 are marked for identification.

Courtroom SCT 7D

State's Attorney:	Richard Serden
Defendant's Attorney:	Diego Rodriguez and Michael Reeves
Defendant:	Present

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

10:35 a.m. Trial to jury continues from 11/02/2017.

The jury is not present.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-125712-001 DT

11/06/2017

Discussion is held regarding juror biographies.

10:38 a.m. The jury is now present.

Opening statements.

State's case:

Daniel Palmer is sworn and testifies.

State's exhibit 91 is received in evidence.

Counsel approach the bench and discuss matters, on the record, out of hearing of the jury.

Daniel Palmer continues to testify.

The witness is excused.

Robby Fincher is sworn and testifies.

The witness steps down.

12:05 p.m. The jury is reminded of previous admonitions and excused from the courtroom. Court stands at recess.

Defense exhibits 93-94 are marked for identification.

1:28 p.m. Court reconvenes with respective counsel and defendant present. The jury is all present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

The court reads to the jury the Stipulation of Facts, filed by the parties on 11/02/2017.

Robby Fincher resumes the stand and testifies further.

Counsel approach the bench and discuss matters, on the record, out of hearing of the jury.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-125712-001 DT

11/06/2017

The court receives written questions from the jury. Court and counsel discuss the questions, on the record, out of hearing of the jury. The relevant questions are asked and answered by the witness.

FILED: Juror Question (1 and 2)

The witness is excused.

Counsel approach the bench and discuss matters, on the record, out of hearing of the jury.

Off. Lisa Fisher #8942 is sworn and testifies.

Counsel approach the bench and discuss matters, on the record, out of hearing of the jury.

The court receives written questions from the jury. Court and counsel discuss the questions, on the record, out of hearing of the jury. The relevant questions are asked and answered by the witness.

FILED: Juror Question (3 and 4)

The witness is excused.

Jason Wright is sworn and testifies.

The witness is excused.

Ryan McDowell is sworn and testifies.

The court receives a written question from the jury. Court and counsel discuss the question, on the record, out of hearing of the jury. The relevant question is asked and answered by the witness.

FILED: Juror Question (5)

The witness is excused.

Off. Geoffrey Ballentine is sworn and testifies.

LET THE RECORD REFLECT the witness makes an in-court identification of the defendant.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-125712-001 DT

11/06/2017

The witness steps down.

2:58 p.m. The jury is reminded of previous admonitions and excused from the courtroom; Court remains in session.

Defendant makes oral Motion for Mistrial.

Arguments presented.

IT IS ORDERED denying the motion.

3:01 p.m. Court stands in recess.

3:20 p.m. Court reconvenes with respective counsel and defendant present. The jury is all present.

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

Off. Geoffrey Ballentine continues to testify.

The court receives written questions from the jury. Court and counsel discuss the questions, on the record, out of hearing of the jury. The relevant questions are asked and answered by the witness.

FILED: Juror Question (6 and 7)

The witness is excused.

Benjamin Kavv is sworn and testifies.

The witness is excused.

Taylor Noecker is sworn and testifies.

The witness is excused.

Daniel Ybarra is sworn and testifies.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2015-125712-001 DT

11/06/2017

LET THE RECORD REFLECT the witness makes an in-court identification of the defendant.

4:24 p.m. The jury is reminded of previous admonitions and excused from the courtroom. Court remains in session.

The witness is given admonition and is excused from the courtroom.

Discussion is held regarding scheduling and witness testimony.

4:26 p.m. Court stands at recess to reconvene on 11/07/2017 at 10:30 a.m. before this division.